

REMARKS

Claims 1-38 are pending in the application. Claim 2 has been amended to correct a typographical error noted by the Examiner. Claims 19 and 32 have also been amended for clarity; the scope of these claims has not changed. The Examiner is respectfully requested to further consider the subject application in view of this response.

SPECIFICATION

The title was objected to for not being descriptive. In response, Applicant has amended the title to read as follows: "Dynamic Control of Server Loading for Enhanced Performance."

REJECTION UNDER 35 U.S.C. § 102

Claims 1-38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,490,615 to Dias. This rejection is respectfully traversed.

Dias discloses a computer network having a dispatcher 160, a cache array 170, and a server cluster 180. The cache array includes cache nodes 172, 174, 176, 178 and the server cluster 180 includes back-end servers 182, 184, 186, 188. Client requests are routed by the dispatcher 160 to a first cache which may or may not correspond to the requested object. If the first cache is the primary owner of the requested object and the requested object is stored on the first cache, the request is serviced by the first cache. In this manner, the first cache effectively operates as a server, but faster (under the stated premise that a requested object can be provided by

the cache with less overhead than regenerating or retrieving the object from one of the back-end servers). See Dias at column 5, lines 10-25 and column 1, lines 14-35.

Significantly, however, Dias fails to disclose or suggest at least one recited feature of each independent claim.

Independent claim 1 recites a server comprising a dispatcher and a back-end server, wherein the dispatcher compares a number of connections concurrently supported by the back-end server to a maximum number of concurrent connections that the back-end server is permitted to support. Dias fails to disclose or suggest its dispatcher as monitoring the number of connections concurrently supported by the back-end servers 182-188, and therefore fails to anticipate claim 1 and claims 2-10 which depend therefrom.

With respect to claim 11, Dias fails to disclose or suggest dynamically adjusting the maximum number of concurrent connections that a server is permitted to support to thereby control a performance factor for the server. The Office Action contends these features of claim 11 are shown in Figs. 1a and 2-8 of Dias. However, figure 1a merely shows the elements of Dias' computer network. Figures 2-8 merely demonstrate different ways in which the elements of Fig. 1a interact. For example, figures 2 and 3 diagram the method described in col. 5, lines 10-25. Figures 4-7 diagram different methods for retrieving a requested object in case the cache member that receives the request is not the primary owner of the requested object. See, for example, col. 2, lines 3-6, and col. 7, line 45 through col. 9 line 37. Figure 8 is similar to figure 1a, except that the network dispatcher operates in content router mode. These drawings do not disclose, in regard to the number of concurrent connections of a server, dynamically

adjusting the maximum number as a function of the server's performance. As Dias does not disclose each and every aspect recited by independent claim 11, Applicant respectfully submits that Dias does not anticipate claims 11-18.

Amended claims 19 and 32 both recite methods which include the step of storing one or more data requests pending available of a server. Again, and as noted above, Dias contains no disclosure or suggestion of monitoring the available of a server, and therefore fails to teach storing a data request pending available of a server. Accordingly, the rejection of claims 19 and 32, and claims 20-26 and 33-34 which depend therefrom, should be withdrawn.

With regard to independent claim 27, Dias clearly fails to disclose any suggestion of defining a maximum number of data requests that a server is permitted to process concurrently, monitoring the server's performance, and dynamically adjusting the maximum number in response to the monitoring step to thereby adjust the server's performance. Similarly, Dias fails to teach dynamically adjusting the maximum number of data requests that a back-end server can process concurrently to adjust the performance of a cluster-based server, as recited by claim 35. Accordingly, Dias fails to anticipate independent claims 27 and 35, and claims 28-31 and 36-38 which depend therefrom, respectively.

For all these reasons, the Examiner is respectfully requested to reconsider and withdraw the § 102 rejection of claims 1-38.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

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